

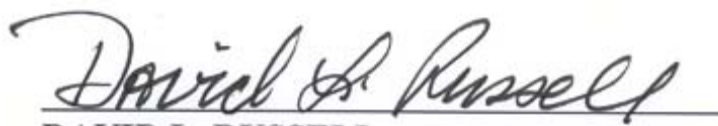
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DAMIAN RIOUX,)	
)	
Plaintiff,)	
)	
v.)	CIV-04-1571-R
)	
CORRECTIONS CORPORATION)	
OF AMERICA, INC., et al.,)	
)	
Defendants.)	

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Robert E. Bacharach entered April 28, 2005. No objection to the Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted. Therefore, the Report and Recommendation of the Magistrate Judge is ADOPTED in its entirety, the motion of Defendants Ferguson, Lingo, Parker, Yates, Smith and Pierson to dismiss is GRANTED and Plaintiff's Complaint against those Defendants is DISMISSED for failure to exhaust administrative remedies. Additionally, because Plaintiff did not exhaust his administrative remedies, the Court DISMISSES Plaintiff's Complaint against Corrections Corporation of America as well. Upon affirmance of this Order or waiver of the right to appeal, this dismissal shall count as a "prior occasion" for purposes of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g).

IT IS SO ORDERED this 19th day of May, 2005.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE